

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 06-10625-RWZ

OLUTOSIN OSUNSANYA

v.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, et al.

DECISION AND ORDER

May 23, 2007

ZOBEL, D.J.

In a February 12, 2007 decision, this court held it had jurisdiction to decide the validity of the denial of plaintiff's application for a green card by the United States Citizenship and Immigration Service ("USCIS") and the underlying question of mootness. That decision was partially based on a letter (Docket #5) authored by Tiffany Roach, plaintiff's estranged wife, alleging that two federal agents used falsehoods, coercion and threats to force her into withdrawing her Form I-130, Petition for Alien Relative, which supported plaintiff's I-485 Application for a green card. See Osunsanya v. USCIS, Civil Action No. 06-10625-RWZ; Slip Copy, 2007 WL 484864 (D. Mass. Feb. 12, 2007) (Docket # 19). Based upon those accusations, plaintiff argued that the USCIS illegally denied his I-485 Application because the two federal agents used illegal methods to obtain his wife's withdrawal. After allowing discovery on this narrow issue, the court scheduled an evidentiary hearing to determine whether the two federal agents did, in fact, use coercive and illegal methods to force Tiffany Roach into

withdrawing her I-130 petition.

Before testimony commenced at the scheduled evidentiary hearing, Roach, represented by her own lawyer, filed a motion for leave to withdraw her letter to the court, along with an affidavit stating that she wrote the letter within one and a half hours after the agents' visit, at plaintiff's request. She further states that upon reflection, she now believes the withdrawal of the I-130 petition represents her interests. (See Docket # 27.)

Based on this record, there is no evidence that the USCIS or the two federal agents acted improperly, unprofessionally or unlawfully when they questioned Roach, obtained the withdrawal of the I-130 petition from her, and denied plaintiff's I- 485 Application for a green card.

Accordingly, Ms. Roach's motion for leave to withdraw her letter (Docket # 27) is ALLOWED, and plaintiff's complaint for mandamus (Docket # 1) is dismissed as moot because the USCIS properly adjudicated his I-485 Application.

May 23, 2007  
DATE

/s/Rya W. Zobel  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE